

ENTERED

October 31, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RONALD DEAN EDWARDS, #1003352,

Plaintiff,

v.

STATE OF TEXAS,

Defendant.

§
§
§
§
§
§
§
§
§

CIVIL ACTION No. H-18-4000

ORDER

Ronald Dean Edwards, Harris County Jail SPN #1003352, filed this *pro se* section 1983 lawsuit with a motion to proceed *in forma pauperis* (Docket Entry No. 2). The Prison Litigation Reform Act of 1996 requires inmates filing lawsuits to pay an initial partial filing fee. The Act also requires prisoners to pay thereafter the balance of the full filing fee of \$350.00. Accordingly, the Court ORDERS as follows:

1. Plaintiff's motion to proceed *in forma pauperis* (Docket Entry No. 2) is GRANTED.
2. No initial partial filing fee payment is ordered due to lack of available funds.
3. Plaintiff shall pay the \$350.00 filing fee in periodic installments as required by 28 U.S.C. § 1915(b). Upon plaintiff's transfer to the Texas Department of Criminal Justice or other custodial facility, this payment and collection order will be re-filed with the new facility.

4. Service of process will be withheld pending judicial screening pursuant to 28 U.S.C. § 1915A.

5. No amendments or supplements to the complaint may be filed without prior court approval. A complete copy of any proposed amended or supplemental complaint must be attached to any motion requesting leave to amend. Any proposed amended or supplemental complaint must be submitted on the preprinted section 1983 complaint form for *pro se* state inmates.

6. All discovery in this case is stayed until defendants have filed an answer. Any proposed *pro se* discovery must be approved by the Court prior to service on a party.

7. All motions, pleadings, and other written communications filed with the Clerk of Court must include a certificate of service showing that the filing party served a copy of the instrument on all counsel or parties of record. Any instrument filed with the Clerk of Court without a certificate of service will be stricken from the record.

8. Plaintiff must notify the Court and counsel for defendants of any change of address by filing a written notice of change of address with the Clerk. Failure to file such notice may result in this case being dismissed for want of prosecution.

Notice to Plaintiff

A. Although you have been granted permission to proceed as a pauper, you must pay the full filing fee when funds are available under 28 U.S.C. § 1915(b). The Court may dismiss this lawsuit under 28 U.S.C. § 1915A at any time and without prior notice.


B. Payment of all or any part of the full filing fee will not prevent dismissal of the complaint if it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. If the case is dismissed before payment of the entire filing fee, plaintiff must still pay the entire filing fee.

C. When an inmate has accumulated three or more prior lawsuits or appeals dismissed (“strikes”) for being frivolous, malicious, or failing to state a claim upon which relief may be granted, section 1915(g) prohibits the inmate from filing *in forma pauperis*.

D. State law requires the forfeiture of good conduct time credits as a sanction for any lawsuit brought by a state inmate which is dismissed as frivolous or malicious. *See* TEX. GOV’T CODE § 498.0045.

The Clerk is to provide a copy of this order to plaintiff and to Mr. Tom Katz, Harris County Jail Inmate Trust Fund, 1200 Baker Street, Houston, TX 77002.

Signed at Houston, Texas on October 31, 2018.



Gray H. Miller
United States District Judge